



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

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March 31, 2010

VIA EMAIL

Joe Rudberg, City Administrator/Clerk
Breezy Point City Hall
8319 County Road 11
Breezy Point, MN 56472-3114

Re: D-469 Breezy Point/Ideal Township (Ebnet et al Property; 352.19 acres)

Dear Mr. Rudberg:

The Office of Administrative Hearings - Municipal Boundary Adjustments has received the above-referenced petition for detachment from the City of Breezy Point. Please refer to the above docket number in future communications regarding this proposed boundary adjustment.

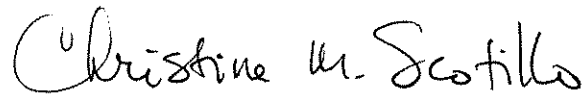
If a petition for detachment is not signed by 100% of the property owners of the area petitioned to be detached, the statute requires that the chief administrative law judge set the matter on for hearing. Minn. Stat. §414.06, Subd. 2. As submitted, the petition does not contain the signatures of all of the property owners. Therefore, this matter will be scheduled for hearing in 30-60 days.

Enclosed for your information is a copy of the letter from our office to Mary Ebnet with information on the process for amending petitions and outlining issues relating to legal descriptions of the petitioned area. The Office of Administrative Hearings - Municipal Boundary Adjustments would appreciate hearing from the city as to its position regarding this petition by April 21, 2010.

Joe Rudberg
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If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Scotillo". The signature is written in black ink and is positioned above the typed name.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:sjh

Enclosure

c: Mary Ebnet, Petitioner (Via U.S. Mail)



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March 31, 2010

Mary Ebnet
7047 Wild Acres Road
Pequot Lakes, MN 56472

Re: D-469 Breezy Point/Ideal Township (Ebnet et al Property; 352.19 acres)

Dear Ms. Ebnet:

The Office of Administrative Hearings - Municipal Boundary Adjustments acknowledges receipt of the petition for detachment. Please refer to the above docket number in future communications regarding this proposed boundary adjustment.

If a petition for detachment is signed by less than 100% of the property owners of the area petitioned to be detached, the chief administrative law judge shall designate a time and place for a hearing in accordance with section 414.09. Minn. Stat. §414.06, Subd. 2. As submitted, the petition does not contain the signatures of all of the property owners. Therefore, this matter will be scheduled for hearing in 30-60 days.

Amendments to the petition to either include only the properties for which the property owners have signed, or, to add the signatures of the property owners who did not previously sign the petition are at the discretion of the chief administrative law judge and can be made any time before a final decision has been rendered. Minn. R. 6000.0700. The Rule further states that where the petition is by property owners, it cannot be amended to include a different area than the one described in the original petition, "...unless the amendment ...is signed by all the property owners who signed the original petition." Minn. R. 6000.0700.

That being said, there are several concerns with the petition itself.

The petition (page 1) states that there are 11 property owners in the area proposed for detachment; and that 10 property owners have signed the petition. There are 14 signatures on the seven "page 2's" attached to page one. Please clarify.

Mary Ebnet
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With respect to the legal descriptions, please address the following:

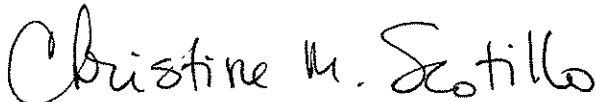
- 1) The legal description in the petition for the Hewitt property reads "NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 6". However, in looking at the map, the Hewitt property is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$. Please verify.
- 2) The legal description for the Patrick and Kelly Ebnet property reads the "SE $\frac{1}{4}$ of SW $\frac{1}{4}$ ". Part of the description for Wild Acres Estates (from the county) is the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ " - which would be, according to the map, the east half of the property that Patrick and Kelly petitioned for; the signature pages for Wild Acres Estates are signed by yourself, Paula, and two others. Please clarify these descriptions and submit a copy of the plat map for Wild Acres Estates.

The petition has been sent to the Department of Transportation Mapping Section for review and you will be contacted if there are further questions concerning the legal descriptions and map.

Also enclosed for your information is a copy of the letter I have sent to the city.

If you have any questions, please contact this office.

Sincerely,



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:sjh

Enclosure

c: Joe Rudberg, City Administrator/Clerk (Via E-Mail)